

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CINDY TIGNOR,

*Plaintiff,*

v.

DOLLAR ENERGY FUND, INC.,

*Defendant.*

Civil Action No. 2:23-cv-1916

Hon. William S. Stickman IV

LEAD CASE

JESSICA FLAGELLA, *on behalf of herself  
and her minor children A.F. and A.F., and all  
others similarly situated,*

*Plaintiff,*

v.

DOLLAR ENERGY FUND,

*Defendant.*

Civil Action No. 2:23-cv-1988

MEMBER CASE

**ORDER OF COURT**

AND NOW, this 15 day of August 2024, for the reasons set forth in the Opinion filed this day, IT IS HEREBY ORDERED that Defendant Dollar Energy Fund, Inc.'s Motion to Dismiss Plaintiffs' Consolidated Class Action Complaint Pursuant to Fed. R. Civ. Pro. 12(b)(1), and 12(b)(6) (ECF No. 15) is GRANTED IN PART AND DENIED IN PART.

Having found that Plaintiff Jessica Flagella lacks standing, the motion is GRANTED as to her and her minor children A.F. and A.F. These Plaintiffs are hereby terminated as parties in this case.

As to Plaintiff Cindy Tignor, Defendant Dollar Energy Fund Inc.'s motion is DENIED as to Count I. The motion is GRANTED as to Count II, and this claim is dismissed without prejudice for Plaintiff Cindy Tignor to file a second amended complaint to incorporate her negligence *per se* theory into Count I. The motion is granted as to Counts III and IV, and these claims are dismissed with prejudice.

BY THE COURT:

A handwritten signature in black ink, appearing to read "W. S. Stickman IV", written over a horizontal line.

WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE